

**BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

GREG KENT BONOGOFKY
1085-610 Tasman Drive
Sunnyvale, CA 94089

Respondent

Case No. AL2006-402

OAH No. 2008010161

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on initial date of licensure.

It is so ORDERED June 4th, 2008

Mary McEest
FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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7 Attorneys for Complainant

8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

11 **GREG KENT BONOGOFSKY**
12 1085-610 Tasman Drive
13 Sunnyvale, CA 94089

14 Respondent

Case No. AL2006-402

OAH No. 2008010161

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
16 above-entitled proceedings that the following matters are true:

17 **PARTIES**

18 1. Heather Martin (Complainant) is the Executive Officer of the California
19 Board of Occupational Therapy. She brought this action solely in her official capacity and is
20 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
21 by Jonathan D. Cooper, Deputy Attorney General.

22 2. Respondent Greg K. Bonogofsky (Respondent) is represented in this
23 proceeding by attorney Robert F. Hahn, whose address is 5801 Christie Ave., Suite 285,
24 Emeryville, CA, 94608.

25 3. On or about January 8, 2007, Respondent signed and filed an application
26 with the California Board of Occupational Therapy to obtain an occupational therapist license.

27 **JURISDICTION**

28 4. Statement of Issues No. AL2006-402 was filed before the California Board

1 of Occupational Therapy (Board), Department of Consumer Affairs, and is currently pending
2 against Respondent. The Statement of Issues and all other statutorily required documents were
3 properly served on Respondent on December 6, 2007. Respondent timely filed his Notice of
4 Defense contesting the Statement of Issues. A copy of Statement of Issues No. AL2006-402 is
5 attached as exhibit A and incorporated herein by reference.

6 ADVISEMENT AND WAIVERS

7 5. Respondent has carefully read, fully discussed with counsel, and
8 understands the charges and allegations in Statement of Issues No. AL2006-402. Respondent has
9 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
10 Settlement and Disciplinary Order.

11 6. Respondent is fully aware of his legal rights in this matter, including the
12 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
13 represented by counsel at his own expense; the right to confront and cross-examine the witnesses
14 against him; the right to present evidence and to testify on his own behalf; the right to the
15 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
16 the right to reconsideration and court review of an adverse decision; and all other rights accorded
17 by the California Administrative Procedure Act and other applicable laws.

18 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
19 each and every right set forth above.

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in
22 Statement of Issues No. AL2006-402.

23 9. Respondent agrees that his application for an occupational therapist
24 license is subject to denial and agrees to be bound by the California Board of Occupational
25 Therapy (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the California Board of
28 Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the

staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that an occupational therapist license shall be issued to Respondent Greg K. Bonogofsky and will be automatically revoked. The revocation will be stayed and the Respondent placed on three (3) years probation on the following terms and conditions:

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all violations of the law to the Board within five (5) days of occurrence.

2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance

1 form obtained from the Board.

2 3. **Personal Appearances.** Upon reasonable notice by the Board, respondent
3 shall report to and make personal appearances at times and locations as the Board may direct.

4 4. **Notification of Address and Telephone Number Change(s).**

5 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
6 mailing address, of his new address and any change in work and/or home telephone numbers.

7 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**

8 In the event respondent should leave California to reside or to practice outside the State for more
9 than thirty (30) days, respondent shall notify the Board or its designee in writing within ten (10)
10 days of the dates of departure and return. All provisions of probation other than the quarterly
11 report requirements, examination requirements, and education requirements, shall be held in
12 abeyance until respondent resumes practice in California. All provisions of probation shall
13 recommence on the effective date of resumption of practice in California.

14 6. **Notification to Employer(s).** When currently employed or applying for
15 employment in any capacity in any health care profession, Respondent shall notify his employer
16 of the probationary status of respondent's license. This notification to the current employer shall
17 occur no later than the effective date of the Decision. Respondent shall notify any prospective
18 health care employer of his probationary status with the Board prior to accepting such
19 employment. This notification shall be made by providing the employer or prospective employer
20 with a copy of the Board's Accusation and Stipulated Settlement and Disciplinary Decision and
21 Order.

22 Respondent shall cause each health care employer to submit quarterly reports to
23 the Board. The reports shall be on a form provided by the Board, shall include a performance
24 evaluation and such other information as may be required by the Board.

25 Respondent shall notify the Board, in writing, within five (5) days of any change
26 in employment status. Respondent shall notify the Board, in writing, within five (5) days if he is
27 terminated from any occupational therapy or health care related employment with a full
28 explanation of the circumstances surrounding the termination.

1 7. **Employment Requirements and Limitations.** During probation,
2 respondent shall work in his licensed capacity in the State of California. This practice shall
3 consist of no less than (6) continuous months and of no less than twenty (20) hours per week.

4 While on probation, respondent shall not work for a registry or in any private duty
5 position, except as approved, in writing, by the Board. Respondent shall work only on a
6 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float
7 capacity except as approved, in writing, by the Board.

8 8. **Supervision Requirements.** Respondent shall obtain prior approval from
9 the Board, before commencing any employment, regarding the level of supervision provided to
10 the respondent while employed as an occupational therapist.

11 Respondent shall not function as a supervisor during the period of probation
12 except as approved, in writing, by the Board.

13 9. **Continuing Education Requirements.** Respondent shall complete a
14 minimum of twelve (12) contact hours of educational course work in the area of Law and Ethics.
15 Such continuing education shall be completed within one (1) year of the effective date of this
16 decision.

17 The continuing education course work shall be in addition to the professional
18 development activities required for license renewal. Within thirty (30) days of the effective date
19 of this decision, Respondent shall submit a written plan to comply with this requirement. The
20 Board shall approve such plan, if adequate, prior to the Respondent's enrollment in any course of
21 study.

22 Failure to satisfactorily complete the required continuing education as scheduled
23 shall constitute a violation of probation. Respondent is responsible for all costs of such
24 continuing education. Upon successful completion of the course(s), Respondent shall send the
25 original certificates(s) he receives to the Board by certified mail, return receipt requested.


26 10. **Maintenance of Valid License.** Respondent shall, at all times while on
27 probation, maintain an active current license with the Board, including any period during which
28 license is suspended or probation is tolled.

1 of Consumer Affairs.

2 DATED: 4/17/08

3 EDMUND G. BROWN JR., Attorney General
4 of the State of California

5 FRANK H. PACOE
6 Supervising Deputy Attorney General

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8 JONATHAN D. COOPER
9 Deputy Attorney General

10 Attorneys for Complainant

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